

## *State Regulation of Public Utilities Review Committee*

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May 4, 2010

Members of the South Carolina General Assembly  
Columbia, South Carolina

Dear Fellow Members:

Enclosed is the State Regulation of Public Utilities Review Committee's Report as to Qualifications of Candidates for Seats 2, 4, and 6 of the Public Service Commission (commission). The report is designed to provide you information on the candidates nominated and qualified by the Review Committee. The Review Committee is charged with nominating up to three candidates for each seat on the commission. In accordance with this mandate, the Review Committee thoroughly investigated each candidate with respect to his or her suitability for service on the commission.

The PSC Screening Subcommittee of the Review Committee held a public hearing on March 29, 2010, to question the candidates. A transcript of the oral examination of the candidates is appended to this report by reference. You can access the transcript on the General Assembly's website: <http://www.scstatehouse.gov/citizensinterestpage/PublicUtilitiesReviewComm/OtherInfoPageNew.html>. The Review Committee met April 20, 2010, to consider the qualifications of the candidates.

The Review Committee's finding that a candidate is qualified and nominated means that the candidate satisfies the constitutional and statutory criteria for service on the commission and the Review Committee's evaluative criteria. The enclosed report explains the Review Committee's evaluative criteria and details each candidate's qualifications as they relate to the evaluative criteria.

Candidates are prohibited from asking for your commitment until 12:00 noon, Thursday, May 6, 2010. **Members of the General Assembly are not permitted to issue letters of introduction, announcements of candidacy, or statements detailing a candidate's qualifications on behalf of a candidate, and are not permitted to offer a pledge to vote for a candidate until 12:00 noon on May 6, 2010.** If you find a candidate violating the pledging prohibitions or if you have questions about this report, please contact Nancy Coombs, Chief Counsel to the Review Committee at (803) 212-6308. **Pursuant to Canon 5 of the Judicial Code of Conduct, candidates must not attend political gatherings, including legislative caucus meetings.**

Sincerely,

Thomas C. Alexander

## Report as to the Qualifications of Candidates for Seats 2, 4, and 6

### Introduction

Act No. 175 of 2004 created the State Regulation of Public Utilities Review Committee (Review Committee) and charged the Review Committee with, among other duties, the duty to nominate candidates for the members of the South Carolina Public Service Commission (commission). The terms for Seats 2, 4, and 6 will expire June 30, 2010. The Review Committee began advertising the vacancies on December 27, 2009. The Review Committee received applications from 18 persons. Five of the applicants withdrew their names from consideration prior to the public hearing.

The PSC Screening Subcommittee conducted background investigations of each candidate, including credit, driver's license, and law enforcement checks. It gave a written examination to determine the level of knowledge that each candidate has with respect to substantive public utility issues, ethical constraints applicable to the commission, and the operations of the commission. The subcommittee also obtained attendance records at commission meetings and hearings for the incumbent commissioners seeking re-election. The subcommittee held a public hearing at which all candidates were questioned and given an opportunity to make statements as to their qualifications and desire to serve as a commissioner.

On April 20, 2010, the Review Committee found the following candidates qualified and nominated them for election to the Public Service Commission: (1) Seat 2: David A. Wright; (2) Seat 4: Philip Tibbs Bradley and Elizabeth B. "Lib" Fleming; and (3) Seat 6: Nikiya "Nikki" Hall and Martin Huggins. Mr. Bradley withdrew his candidacy on April 29, 2010.

### BACKGROUND

In the spring of 2002, after reviewing all candidates for the Public Service Commission, the Joint Legislative Screening Committee (2002 Screening Committee) issued a report to the General Assembly finding: (1) the commission suffered from a lack of strong leadership; (2) the complexity of many of the issues overwhelmed some of the commissioners; and (3) the commission failed to articulate and adhere to clear standards of due process and ethical behavior and lacked any enforceable prohibition against inappropriate ex parte communications. The 2002 Screening Committee recommended that the General Assembly consider making long-term structural changes to the commission and in the screening process for commissioners.

Soon after the 2002 Screening Committee issued its report, members of the General Assembly requested the Legislative Audit Council (LAC) to conduct an audit of the commission. The LAC issued a report and made recommendations to the General Assembly to address the following concerns: (1) maintaining due process and ethics; (2) strengthening qualifications of commissioners; (3) staggering terms so that all commissioners would not be elected at the same time; (4) prohibiting not only legislators, but also their immediate family members, from being elected as commissioners for four years after the legislator left the General Assembly; and (5) either splitting the commission into two separate agencies, one comprised of commissioners and an advisory staff, and the other to be comprised of legal and technical persons to represent the

public interest, or have the commission itself create a permanent staff to advise the commission, in addition to its technical and legal staff, to prevent ex parte communications from occurring between parties and commissioners and their advisors. Act 175 of 2004 accomplished all of the changes suggested by the 2002 Screening Committee and the LAC.

In its report to the General Assembly, the 2002 Screening Committee stated that at the next screening it would: (1) insist on candidates having clear financial and credit reports prior to the screening process; (2) place substantial emphasis on a candidate's knowledge of commission operations and hold incumbents to a higher standard; (3) survey commission staff and parties appearing before the commission to determine the strengths and weaknesses of individual commissioners; and (4) consider commissioners' attendance records. The Review Committee considered all of the above items in screening the current applicants.

Pursuant to S.C. Code Ann. §58-3-530, the annual performance review of commissioners seeking reelection must be made a part of the commissioner's record for consideration if the commissioner seeks reelection. The incumbent commissioners' evaluations are included after the commissioner's summary of qualifications.

#### Legal Qualifications

Act 175 requires that for terms beginning after June 30, 2006, members of the commission must have the following qualifications:

- (1) a baccalaureate or more advanced degree; and
- (2) a background of substantial duration and an expertise in at least one of the following areas:
  - (a) energy;
  - (b) telecommunications;
  - (c) consumer protection and advocacy;
  - (d) water and wastewater;
  - (e) finance, economics, and statistics;
  - (f) accounting;
  - (g) engineering; or
  - (h) law.

S.C. Code Ann. §58-3-530. Incumbent commissioners are not required to meet the above qualifications. The Review Committee may find a candidate qualified even though he does not have a background of substantial duration and an expertise in at least one of the above areas if three-fourths of the Review Committee vote to qualify the candidate.

The Review Committee is also required to consider: "(1) the ability, dedication, compassion, common sense, and integrity of the candidates; and (2) the race and gender of the candidates and other demographic factors to assure nondiscrimination to the greatest extent possible of all segments of the population of the State." S.C. Code Ann. §58-3-560. The determination of legal qualifications includes a determination of the candidate's residence in the appropriate Public Service Commission district as established by §58-3-20, the candidate's eligibility for election as determined by §58-3-24, and the candidate's compliance with constitutional provisions limiting election to those persons eligible to be electors of this State.

Pursuant to S.C. Code Ann. §58-3-530, the annual performance review of commissioners seeking reelection must be made a part of the commissioner's record for consideration if the commissioner seeks reelection. The incumbent commissioners' performance evaluations are included after each incumbent commissioner's summary of qualifications.

### General Qualifications

To determine fitness beyond mere legal qualifications, the Review Committee considered each candidate's experience, temperament, compliance with and knowledge of legal and ethical constraints on public service, knowledge of commission operations, demonstrated or potential aptitude for meaningful leadership and/or service at the commission, and demonstrated integrity, including the handling of personal financial affairs. The Review Committee then considered each candidate as a whole and formulated an overall recommendation.

### Experience

Act 175 requires that commissioners have a background of substantial duration and an expertise in energy; telecommunications; consumer protection and advocacy; water and wastewater; finance, economics, and statistics; accounting; engineering; or law. The Review Committee considered not only whether a candidate has succeeded in one of these fields, but also whether the candidate has the capability of transferring this success and knowledge to the operations of the commission. Although incumbent commissioners are exempted from this requirement, the Review Committee focused on each incumbent commissioner's success as a commissioner and his or her initiative in gaining experience in a variety of ways, including attendance at public utility seminars and workshops, judicial training, and committee work with national and regional organizations. The transcript appended to this report contains each applicant's background and employment history.

### Temperament

The Review Committee sought to determine if a candidate's sense of the role he is to fill on the commission is such that his work will be productive, proactive, and protective of the interests of all South Carolinians.

### Compliance with and Knowledge of Legal and Ethical Constraints

Act 175 requires that commissioners adhere not only to the State Ethics Act, but also to the Judicial Code of Conduct. The Review Committee believes that not only must the candidates be aware of the legal and ethical constraints, they must have conducted and comported themselves with the highest regard for ethics in their actions.

## Potential Aptitude for Meaningful Leadership and/or Service at the Public Service Commission

Given the history that led to the enactment of Act 175, the Review Committee considered whether a candidate shows an aptitude for service as a commissioner, whether as a leader or a follower, or both. In its May 2002 report on the candidates, the 2002 Screening Committee found that an absence of leadership at the commission led to problems such as prohibited ex parte communications, tension between commissioners and staff, and the lack of a coherent agency vision. The Review Committee believes that the commission should have strong leadership, be working toward common goals, be a positive influence on employees, and ensure that parties and persons appearing before the commission are treated fairly and impartially. The Review Committee therefore sought to gauge each candidate's potential aptitude to serve as a leader and/or as a commissioner supporting the goals and mission of the agency.

### Integrity

Candidates must assure the Review Committee that their word is their bond. Particular attention is given to the way candidates have managed their financial affairs.

### Substantive Knowledge of Commission Operations

The Review Committee believes that every candidate, whether incumbent or non-incumbent, must be required to demonstrate some basic understanding of the role of the commission and its operations. It would be unfair, however, to require non-incumbents to have accumulated a wealth of knowledge about commission operations specifically, or regulated utilities generally. Unlike incumbent commissioners, challengers have not had the benefit of a compensated opportunity to educate themselves in hearings or through conversations with commission staff. The Review Committee expects that incumbents and others who have substantial experience appearing before the commission should be able to discuss these matters with a greater fluency than those persons who have to date committed themselves to other employment. The Review Committee emphasizes that the substantive knowledge findings contained in this report are a measure of a candidate's knowledge at the time of his candidacy and are not necessarily indicative of a candidate's ability to subsequently master commission operations and the multitude of issues relating thereto.

## **FINDINGS AS TO QUALIFICATIONS AND NOMINATIONS**

The Review Committee finds the following candidates qualified and nominates them for election to the South Carolina Public Service Commission:

**Seat 2: David A. Wright**  
**Seat 4<sup>1</sup>: Elizabeth B. "Lib" Fleming**  
**Seat 6: Nikiya "Nikki" Hall**  
**Martin Huggins**

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<sup>1</sup> On April 20, 2010, Philip Tibbs Bradley was found qualified and was nominated for election to Seat 4; however, he withdrew his candidacy on April 29, 2010.

## **PUBLIC SERVICE COMMISSION CANDIDATES FOR SEAT 2**

### **DAVID AUSTIN WRIGHT**

**Address:** 341 N. Stonehedge Drive  
Columbia, SC 29210

#### **Overall Recommendation:**

Mr. Wright was evaluated as possessing **OUTSTANDING** qualification to serve on the Public Service Commission.

#### **Personal Information, Educational Background, and Work Experience:**

Mr. Wright was born Charlotte, NC in 1955. He obtained a Bachelor of Arts degree in Political Science from Clemson University in 1977. After working three years in advertising and political communications, he spent 1981-92 as owner of Wright Enterprises, a retail franchise. Mr. Wright was the Mayor of Irmo from 1985-88, and served as a member of the House of Representatives for District 85 from 1988-96. He was part owner of the Dutch Fork Publishing Company from 1993-95 and ran his own political and communications consulting firm from 1995-2003. He worked as a contract lobbyist for three different organizations in 1998 and 1999. Mr. Wright was first elected as a Public Service Commissioner in 2004. He has chaired several subcommittees of the National Association of Regulatory Commissioners since 2004, and served as the Chairman of the Southeastern Association of Regulatory Commissioners from 2008-09. He has been chairman of the Nuclear Waste Strategy Coalition since 2006, and is currently National Chairman of the Yucca Mountain Task Force.

#### **Test Score:**

Mr. Wright received a score of 84.

#### **General Qualifications:**

- Mr. Wright was evaluated to be of **OUTSTANDING** experience to serve on the commission.
- Mr. Wright was evaluated to be of **APPROPRIATE** temperament to serve on the commission.
- Mr. Wright was evaluated to have **OUTSTANDING** knowledge of and compliance with legal and ethical constraints regarding service on the commission.
- Mr. Wright was evaluated as having **OUTSTANDING** demonstrated or potential aptitude for meaningful leadership and/or service on the commission.
- Mr. Wright was evaluated as being **ADEQUATE** in demonstrated integrity (including the maintenance of personal financial affairs) for service on the commission.
- Mr. Wright was evaluated to have **OUTSTANDING** substantive knowledge of the operations of the commission.

STATE REGULATION OF PUBLIC UTILITIES REVIEW COMMITTEE  
PERFORMANCE EVALUATION

**David A. Wright**  
**South Carolina Public Service Commission**  
Seat: Second Congressional District  
Review Period: January 1 - June 30, 2006

Commissioner Wright was initially elected on March 3, 2004, and was re-elected on May 21, 2006. During his short tenure, he has taken advantage of many opportunities to expand his understanding of public utilities issues. Commissioner Wright exhibits a desire to increase his knowledge and skills by attending educational programs. He attended the winter meeting of NARUC, a "Commissioners Only" conference sponsored by NARUC, the summer conference of SEARUC, and a one-day national conference "National Electricity Delivery Forum." He attended and participated in seminars on Act 175, ethics, the Energy Policy Act of 2005, telecommunications, emergency services, and mergers. He is an active member of NARUC and SEARUC. He is an active member of the following NARUC committees: (1) Nuclear Issues Committee, (2) Energy, Resources, and the Environment Committee, and (3) Washington Action Committee. He is national Co-Chairman of the Yucca Mountain Task Force. He was called on to testify on behalf of NARUC before the Environmental Protection Agency regarding the 10,000-year radiation standard as it relates to Yucca Mountain. He is Second Vice-Chairman of SEARUC. Based on surveys of persons appearing before the commission and commission employees, the subcommittee finds that Commissioner Wright is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, and has a positive influence on employee morale. The Review Committee's review revealed no evidence of unethical behavior by Commissioner Wright.

STATE REGULATION OF PUBLIC UTILITIES REVIEW COMMITTEE  
PERFORMANCE EVALUATION

**David A. Wright**  
**South Carolina Public Service Commission**  
Seat: Second Congressional District  
Review Period: July 1, 2006 - June 30, 2007

Commissioner Wright was initially elected on March 3, 2004, and was re-elected on May 21, 2006. Since his election, Commissioner Wright has taken advantage of many opportunities to expand his understanding of public utilities issues. Commissioner Wright shows a desire to increase his knowledge and skills by attending educational programs. He attended the following programs, among others: (1) "Power System Basics for the Non-Engineering Professionals," a course presented by Clemson University on electric industry issues, (2) NARUC summer and winter meetings, (3) the annual SEARUC conference, (4) a telecommunications workshop, (5) a judicial ethics seminar, (6) various briefings by advisory staff, and (7) briefings by utilities that are allowed by law. He is an active member of NARUC and SEARUC. He is a first vice-chairman for SEARUC and chairman of NARUC's Subcommittee on Nuclear Issues and Waste Disposal. He also is an active member of NARUC Energy, Resources, and the Environment Committee and the NARUC Washington Action Committee. Commissioner Wright serves as the National Chairman of the Nuclear Waste Strategy Coalition (NWSC) and serves on the NWSC Board of Directors. He is the National Co-Chairman of Yucca Mountain Task Force. He is a member of the Program Advisory Committee for the Institute of Public Utilities at Michigan State University. He participated in a Joint Capitol Hill briefing for Congressional staff on the history of Yucca Mountain and related issues. He testified before the U.S. Senate Energy Committee on behalf of NARUC on legislation concerning Yucca Mountain. Based on surveys of persons appearing before the commission and commission employees, the subcommittee finds that Commissioner Wright is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, and has a positive influence on employee morale.



STATE REGULATION OF PUBLIC UTILITIES REVIEW COMMITTEE  
PERFORMANCE EVALUATION

**David A. Wright**  
**South Carolina Public Service Commission**  
Seat: Second Congressional District  
Review Period: July 1, 2007 - June 30, 2008

Commissioner Wright was initially elected on March 3, 2004, and was re-elected on May 21, 2006. During his tenure, he has taken advantage of many opportunities to expand his understanding of public utilities issues. Commissioner Wright exhibits a desire to increase his knowledge and skills by attending educational programs.

Commissioner Wright attended NARUC summer and winter meetings, National Judicial College, SEARUC conference, Nuclear Waste Strategy Coalition meetings, and various briefings held by advisory staff. He was a moderator at the Institute of Public Utilities –Michigan State University Regulatory Policy Conference. He is an active member of NARUC and SEARUC and participates in all national “commissioner-only summits” sponsored by NARUC, National Regulatory Research Institute and/or Michigan State University. He is the chairman of SEARUC and chairman of NARUC’s Subcommittee on Nuclear Issues and Waste Disposal. He is the national chairman of the Nuclear Waste Strategy Coalition (NWSC) and also serves on its Board of Directors. As a NARUC committee chairman, he is a member of the Program Advisory Committee for the Institute of Public Utilities at Michigan State University. He is also national co-chairman of the Yucca Mountain Task Force. He is an active member of the NARUC Energy, Resources and the Environment Committee and the NARUC Washington Action Committee. He attended and participated in several Capitol Hill visits, through NARUC and the NWSC, with congressional members and staff concerning the history of Yucca Mountain and various nuclear issues. He has been elected chairman of SEARUC for 2009. He has represented NARUC and the commission as a witness before the Environmental Protection Agency and the U.S. Senate Energy Committee. He also keeps abreast of current issues by reading professional and trade publications and books related to the utilities industry.

Based on surveys of persons appearing before the commission and commission employees, the subcommittee finds that Commissioner Wright is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, has a positive influence on employee morale, and is respected by attorneys and persons appearing before the commission. The Review Committee’s review revealed no evidence of unethical behavior by Commissioner Wright.

STATE REGULATION OF PUBLIC UTILITIES REVIEW COMMITTEE  
PERFORMANCE EVALUATION

**David A. Wright**  
**South Carolina Public Service Commission**  
Seat: Second Congressional District  
Review Period: July 1, 2008 - September 30, 2009

Commissioner Wright was initially elected on March 3, 2004, and was re-elected on May 21, 2006. During his tenure, he has taken advantage of many opportunities to expand his understanding of public utilities issues.

Commissioner Wright is a member of NARUC's Energy, Resources and the Environment Committee and its Washington Action Committee. He is chairman of SEARUC and NARUC's Subcommittee on Nuclear Issues and Waste Disposal. He serves as national chairman for the Nuclear Waste Strategy Coalition (NWSC) and its board of directors. He is also the national chairman for the Yucca Mountain Task Force. He is a member of the Program Advisory Committee at Michigan State's Institute of Public Utilities.

Commissioner Wright attended the following educational programs and events:

- NARUC meetings (summer, annual and winter);
- SEARUC Commissioners-Only meeting;
- Platts Conference on the Future of Nuclear in the U.S., where he gave a presentation concerning S.C.'s Base Load Review Act;
- NWSC meetings;
- Ethics Seminar;
- Testified before the U.S. Senate Energy Committee as SEARUC President on Senator Bingaman's proposal to establish a national renewable portfolio standard;
- Participated in a roundtable discussion before the U.S. Senate Energy and Natural Resources Committee on the future of recycling and reprocessing;
- Attended and participated in several Capitol Hill visits through NARCU and NWSC concerning the history of Yucca Mountain and nuclear issues, such as nuclear waste disposal, reprocessing and recycling.

In addition to the above, Commissioner Wright was responsible for the planning, programming, and coordination for SEARUC's annual Charleston. The conference was not only an opportunity for commissioners, their staffs, and others to share experiences and become knowledgeable about current regulatory issues but also an opportunity to showcase Charleston. The conference was well attended and a great success.

Based on surveys of persons appearing before the commission and commission employees, the subcommittee finds that Commissioner Wright is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, has a positive influence on employee morale, and is respected by attorneys and persons appearing before the commission. The Review Committee's review revealed no evidence of unethical behavior by Commissioner Wright.

## **PUBLIC SERVICE COMMISSION CANDIDATES FOR SEAT 4**

### **ELIZABETH “LIB” BURNETT FLEMING**

**Address:** 314 Glendalyn Place  
Spartanburg, SC 29302

#### **Overall Recommendation:**

Mrs. Fleming was evaluated as possessing **OUTSTANDING** qualification to serve on the Public Service Commission.

#### **Personal Information, Educational Background, and Work Experience:**

Mrs. Fleming was born in Spartanburg County, South Carolina in 1942. She obtained a Bachelor of Arts degree from Converse College in 1965. She was the Head Start Director on Walker River Indian Reservation in Schurz, Nevada, during the summer of 1967. She was a member of the Spartanburg City Council from 1994-2004. Mrs. Fleming states that she was involved with infrastructure issues that impacted the city, the county, and the upstate region while serving on Spartanburg City Council. Mrs. Fleming was elected to the Public Service Commission in March 2004 and has served continuously since then. In 2008, she was elected by the members of the commission as chairman for a two-year term. She is a member of the National Association of Regulatory Utility Commissioners (NARUC) and serves on its Board of Directors, is chair of NARUC’s Committee on Critical Infrastructure, and is a member of the NARUC’s Committee on Electricity and the Eastern Interconnection Planning Council. She also is on the Center for Public Utility Advisory Committee of New Mexico State University.

#### **Test Score:**

Mrs. Fleming received a score of 94, the highest score of any candidate.

#### **General Qualifications:**

- Mrs. Fleming was evaluated to be of **OUTSTANDING** experience to serve on the commission.
- Mrs. Fleming was evaluated to be of **APPROPRIATE** temperament to serve on the commission.
- Mrs. Fleming was evaluated to have **OUTSTANDING** knowledge of and compliance with legal and ethical constraints regarding service on the commission.
- Mrs. Fleming was evaluated as having **OUTSTANDING** demonstrated or potential aptitude for meaningful leadership and/or service on the commission.
- Mrs. Fleming was evaluated as being **ADEQUATE** in demonstrated integrity (including the maintenance of personal financial affairs) for service on the commission.
- Mrs. Fleming was evaluated to have **OUTSTANDING** substantive knowledge of the operations of the commission.

STATE REGULATION OF PUBLIC UTILITIES REVIEW COMMITTEE  
PERFORMANCE EVALUATION

**Elizabeth “Lib” Fleming**  
**South Carolina Public Service Commission**  
Seat: Fourth Congressional District  
Review Period: January 1 - June 30, 2006

Commissioner Fleming was initially elected March 3, 2004, and was reelected May 21, 2006. During her short tenure, she has taken advantage of many opportunities to expand her understanding of public utilities issues. Commissioner Fleming exhibits a desire to increase her knowledge and skills by attending educational programs. She attended the winter meeting of NARUC, a “Commissioners Only” conference sponsored by NARUC, and a one-day national conference “National Electricity Delivery Forum.” She was one of only 24 persons invited to attend the NAWC Water Policy Forum in May 2006. She is an active member of NARUC and SEARUC. She serves on the following NARUC committees: (1) the Committee on Electricity, (2) PUHCA Repeal and Merger Review Working Group (Co-leader), and (3) the Ad Hoc Committee on Critical Infrastructure. She served as moderator for an Electricity Committee panel discussion at the NARUC 2006 Winter Meeting. Based on surveys of persons appearing before the commission and commission employees, the subcommittee finds that Commissioner Fleming is courteous to all persons appearing before her, is impartial in her treatment of persons appearing before her, and has a positive influence on employee morale. The Review Committee’s review revealed no evidence of unethical behavior by Commissioner Fleming.

STATE REGULATION OF PUBLIC UTILITIES REVIEW COMMITTEE  
PERFORMANCE EVALUATION

**Elizabeth “Lib” Fleming**  
**South Carolina Public Service Commission**  
Seat: Fourth Congressional District  
Review Period: July 1, 2006 - June 30, 2007

Commissioner Fleming was initially elected March 3, 2004, and was reelected May 21, 2006. Since her election, Commissioner Fleming has taken advantage of many opportunities to expand her understanding of public utilities issues. Commissioner Fleming shows a desire to increase her knowledge and skills by attending educational programs. She attended the following programs, among others: (1) a course sponsored by Clemson Power Research Association and the Power Engineering Society of the Institute of Electrical and Electronics Engineers on electric industry issues; (2) SEARUC’s Wall Street Dialogue, where she served as moderator for the final session; (3) an electric and natural gas conference sponsored by the University of Georgia’s Bonbright Center, where she was one of four speakers during the “State Regulatory Viewpoints” session; (4) an emerging issues policy forum; (5) NARUC meetings; (6) the 2<sup>nd</sup> National Electricity Delivery Forum; (7) teleseminars concerning transmission siting and tools for comparing generation technologies sponsored by the National Regulatory Research Institute, the research resource created by NARUC; (8) various briefings by advisory staff; and (9) briefings by utility companies that are allowed by law. She attended critical infrastructure protection training courses at NARUC meetings. She is an active member of NARUC and SEARUC. She serves as Vice-Chairman on NARUC’s Committee on Critical Infrastructure, which deals with issues related to the security of the nation’s utility infrastructure. She also serves on the NARUC Committee on Electricity. Based on surveys of persons appearing before the commission and commission employees, the subcommittee finds that Commissioner Fleming is courteous to all persons appearing before her, is impartial in her treatment of persons appearing before her, and has a positive influence on employee morale.

STATE REGULATION OF PUBLIC UTILITIES REVIEW COMMITTEE  
PERFORMANCE EVALUATION

**Elizabeth “Lib” Fleming**  
**South Carolina Public Service Commission**  
Seat: Fourth Congressional District  
Review Period: July 1, 2007 - June 30, 2008

Commissioner Fleming was initially elected March 3, 2004, and was reelected May 21, 2006. During her tenure, she has taken advantage of many opportunities to expand her understanding of public utilities issues. Commissioner Fleming exhibits a desire to increase her knowledge and skills by attending educational programs.

Commissioner Fleming attended the Emerging Issues Policy Forum’s (EFIP) conferences on the state of energy policy, regulation, and markets and the power of communications technology; National Drinking Water Symposium; Southeast Solar Summit; South Carolina Utility Law and Regulation Conference; and various briefings presented by advisory staff. She also attended SEARUC’s fall and annual meeting, including the Southeast Energy Efficiency Meeting and NARUC’s annual and winter meetings, including the National Electricity Delivery Forum. She attended workshops concerning: (1) water and sewer maintenance practices, (2) electric and gas conservation and efficiency, and (3) federally mandated renewable portfolio standard and/or carbon allowance trading system or carbon tax. She participated in the following meetings/seminars: (1) panel participant, EFIP’s energy conference, (2) moderator, NARUC annual meeting Concurrent Critical Infrastructure Educational Session, (3) panel participant, Lehman Brothers Commissioner Chat Day, and (4) co-moderator, NARUC winter meeting (joint meeting with Critical Infrastructure and Gas Committees). Commissioner Fleming is a member of the NARUC Electricity Committee and is vice-chair for the Critical Infrastructure Committee. She has participated in discussions with Assistant Secretaries for Homeland Security and Department of Energy. As a result of her involvement as vice-chairman of the NARUC Critical Infrastructure Committee, she became interested in cyber security in relation to industries. As a result of meetings with Homeland Security, she has been asked to join the Cross-Sector Cyber Security Working Group. She also keeps abreast of current issues by reading professional and trade publications and books related to utility industries.

Based on surveys of persons appearing before the commission and commission employees, Commissioner Fleming is courteous to all persons appearing before her, is impartial in her treatment of persons appearing before her, has a positive influence on employee morale, and is respected by attorneys and persons appearing before the commission. The Review Committee’s review revealed no evidence of unethical behavior by Commissioner Fleming.

STATE REGULATION OF PUBLIC UTILITIES REVIEW COMMITTEE  
PERFORMANCE EVALUATION

**Elizabeth “Lib” Fleming**  
**South Carolina Public Service Commission**  
Seat: Fourth Congressional District  
Review Period: July 1, 2008 - September 20, 2009

Chairman Fleming was initially elected March 3, 2004, and was reelected May 21, 2006. She was elected PSC Chairman in July 2008. During her tenure, she has taken advantage of many opportunities to expand her understanding of public utilities issues. She is the chairman for NARUC’s Committee on Critical Infrastructure and a member of NARUC’s Board of Directors and its Committee on Electricity. She is also NARUC’s state designee for the Eastern Interconnection Planning Initiative and serves as an advisory council member for the Center for Public Utilities at New Mexico State University. Chairman Fleming seeks to increase her knowledge and skills by attending educational programs.

Chairman Fleming attended the following educational programs and events:

- NARUC Summer and Annual meetings;
- SEARUC Commissioners Only and Annual meetings;
- Bonbright Center Electric and Natural Gas Conference;
- Institute for Regulatory Law Economics;
- Gee Strategies Group - Utility Commissioner and Wall Street Journal Dialogue;
- Transmission Business School;
- Ethics seminar;
- Gave an update for the PSC at the S.C. Telephone Association Spring Convention and at SC Energy Users Committee meetings;
- Participated in the Converse College Women in Energy Luncheon and Panel Discussion;
- Served as Moderator for NARUC Electricity and Critical Infrastructure Panel.

Based on surveys of persons appearing before the commission and commission employees, Chairman Fleming is courteous to all persons appearing before her, is impartial in her treatment of persons appearing before her, has a positive influence on employee morale, and is respected by attorneys and persons appearing before the commission. The Review Committee’s review revealed no evidence of unethical behavior by Chairman Fleming.

## **PUBLIC SERVICE COMMISSION CANDIDATES FOR SEAT 6**

### **NIKIYA “NIKKI” HALL**

**Address:** 5003 Holmes Avenue  
Columbia, SC 29212

#### **Overall Recommendation:**

Judge Hall was evaluated as possessing **ABOVE AVERAGE** qualification to serve on the Public Service Commission.

#### **Personal Information, Educational Background, and Work Experience:**

Judge Hall was born in Augusta, Georgia, in 1979. She obtained a Bachelor of Arts degree in English from Spelman College in 2002 and a Juris Doctor degree from Georgetown University Law Center in 2004. Judge Hall is a magistrate in Richland County. Prior to that position, she was assistant solicitor in Richland County and law clerk to the Honorable L. Casey Manning, circuit court judge.

Judge Hall owns one share of SCANA stock. She states that she will dispose of the stock if she is elected to the commission.

#### **Test Score:**

Judge Hall received a score of 89, the highest score of any non-incumbent.

#### **General Qualifications:**

- Judge Hall was evaluated to be of **ABOVE AVERAGE** experience to serve on the commission.
- Judge Hall was evaluated to be of **APPROPRIATE** temperament to serve on the commission.
- Judge Hall was evaluated to have **OUTSTANDING** knowledge of and compliance with legal and ethical constraints regarding service on the commission.
- Judge Hall was evaluated as having **ABOVE AVERAGE** demonstrated or potential aptitude for meaningful leadership and/or service on the commission.
- Judge Hall was evaluated as being **ADEQUATE** in demonstrated integrity (including the maintenance of personal financial affairs) for service on the commission.
- Judge Hall was evaluated to have **OUTSTANDING** substantive knowledge of the operations of the commission.



## **MARTIN WITT HUGGINS**

**Address:** 118 W. County Line  
Hemingway, SC 29554

### **Overall Recommendation:**

Mr. Huggins was evaluated as possessing **ABOVE AVERAGE** qualification to serve on the Public Service Commission.

### **Personal Information, Educational Background, and Work Experience:**

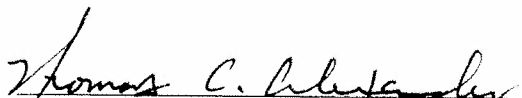
Mr. Huggins was born in Hemingway, South Carolina in 1957. He obtained a Bachelor of Science degree in Biology from the University of South Carolina in 1979. He served in the South Carolina State Guard as a sergeant and was honorably discharged. Mr. Huggins was employed by Wellman, Inc. from 1979-2006, when he lost his job during cutbacks after the company filed for bankruptcy. He spent his first year at Wellman as a Quality Control Supervisor, the next thirteen as a Site Environmental Manager and the final thirteen as Corporate Director of Environmental Affairs. His responsibilities included assuring compliance with government regulations, evaluation of fuel choice, coordinating community and industrial fresh and wastewater planning, and managing responses to industrial and natural disasters. He has been a part of and primary owner/operator of his family's farming and rental property businesses since 1979, and engaged in two other smaller business ventures from 1997-2003. He was appointed as the Williamsburg County Election Commissioner in 2006, and plans to step down if elected to a seat on the commission.

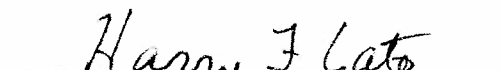
### **Test Score:**

Mr. Huggins received a score of 74.

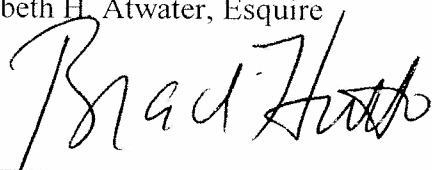
### **General Qualifications:**

- Mr. Huggins was evaluated to be of **ABOVE AVERAGE** experience to serve on the commission.
- Mr. Huggins was evaluated to be of **APPROPRIATE** temperament to serve on the commission.
- Mr. Huggins was evaluated to have **AVERAGE** knowledge of and compliance with legal and ethical constraints regarding service on the commission.
- Mr. Huggins was evaluated as having **ABOVE AVERAGE** demonstrated or potential aptitude for meaningful leadership and/or service on the commission.
- Mr. Huggins was evaluated as being **ADEQUATE** in demonstrated integrity (including the maintenance of personal financial affairs) for service on the commission.
- Mr. Huggins was evaluated to have **ABOVE AVERAGE** substantive knowledge of the operations of the commission.


  
Senator Thomas C. Alexander  
Chairman

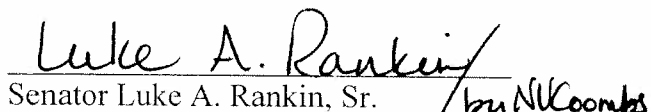
  
Representative Harry F. Cato  
Vice Chairman


Elizabeth H. Atwater, Esquire

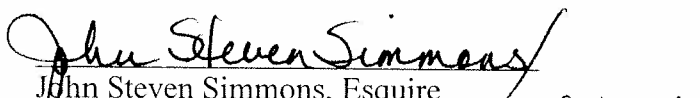
  
Senator C. Bradley Hutto


  
Erik Ebersole

  
Representative Harry L. Ott, Jr.<sup>1</sup>

  
Senator Luke A. Rankin, Sr. *by NVCoombs*

  
Representative William E. Sandifer III

  
John Steven Simmons, Esquire *by NVCoombs*

  
Helen T. Zeigler, Esquire *by NVCoombs*

<sup>1</sup> Representative Harry Ott recused himself from consideration of candidates for election to Seat 6 of the Public Service Commission